

In the House of Representatives, U. S.,

September 27, 2006.

Resolved, That the bill from the Senate (S. 2430) entitled “An Act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Great Lakes Fish and*
3 *Wildlife Restoration Act of 2006”.*

4 ***SEC. 2. FINDINGS.***

5 *Congress finds that—*

6 *(1) the Great Lakes have fish and wildlife com-*
7 *munities that are structurally and functionally*
8 *changing;*

9 *(2) successful fish and wildlife management fo-*
10 *cuses on the lakes as ecosystems, and effective manage-*
11 *ment requires the coordination and integration of ef-*
12 *forts of many partners;*

1 (3) *it is in the national interest to undertake ac-*
2 *tivities in the Great Lakes Basin that support sus-*
3 *tainable fish and wildlife resources of common con-*
4 *cern provided under the recommendations of the*
5 *Great Lakes Regional Collaboration authorized under*
6 *Executive Order 13340 (69 Fed. Reg. 29043; relating*
7 *to the Great Lakes Interagency Task Force);*

8 (4) *additional actions and better coordination*
9 *are needed to protect and effectively manage the fish*
10 *and wildlife resources, and the habitats upon which*
11 *the resources depend, in the Great Lakes Basin;*

12 (5) *as of the date of enactment of this Act, ac-*
13 *tions are not funded that are considered essential to*
14 *meet the goals and objectives in managing the fish*
15 *and wildlife resources, and the habitats upon which*
16 *the resources depend, in the Great Lakes Basin; and*

17 (6) *the Great Lakes Fish and Wildlife Restora-*
18 *tion Act (16 U.S.C. 941 et seq.) allows Federal agen-*
19 *cies, States, and tribes to work in an effective part-*
20 *nership by providing the funding for restoration*
21 *work.*

22 **SEC. 3. DEFINITIONS.**

23 *Section 1004 of the Great Lakes Fish and Wildlife Res-*
24 *toration Act of 1990 (16 U.S.C. 941b) is amended—*

25 (1) *by striking paragraphs (1), (4), and (12);*

1 (2) by redesignating paragraphs (2), (3), (5),
2 (6), (7), (8), (9), (10), (11), (13), and (14) as para-
3 graphs (1), (2), (3), (4), (5), (6), (7), (9), (10), (11),
4 and (12), respectively;

5 (3) in paragraph (4) (as redesignated by para-
6 graph (2)), by inserting before the semicolon at the
7 end the following: “, and that has Great Lakes fish
8 and wildlife management authority in the Great
9 Lakes Basin”; and

10 (4) by inserting after paragraph (7) (as redesi-
11 gnated by paragraph (2)) the following:

12 “(8) the term ‘regional project’ means authorized
13 activities of the United States Fish and Wildlife Serv-
14 ice related to fish and wildlife resource protection,
15 restoration, maintenance, and enhancement impact-
16 ing multiple States or Indian Tribes with fish and
17 wildlife management authority in the Great Lakes
18 basin;”.

19 **SEC. 4. IDENTIFICATION, REVIEW, AND IMPLEMENTATION**
20 **OF PROPOSALS.**

21 Section 1005 of the Great Lakes Fish and Wildlife Res-
22 toration Act of 1990 (16 U.S.C. 941c) is amended to read
23 as follows:

1 **“SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTA-**
 2 **TION OF PROPOSALS AND REGIONAL**
 3 **PROJECTS.**

4 *“(a) IN GENERAL.—Subject to subsection (b)(2), the*
 5 *Director—*

6 *“(1) shall encourage the development and, subject*
 7 *to the availability of appropriations, the implementa-*
 8 *tion of fish and wildlife restoration proposals and re-*
 9 *gional projects based on the results of the Report; and*

10 *“(2) in cooperation with the State Directors and*
 11 *Indian Tribes, shall identify, develop, and, subject to*
 12 *the availability of appropriations, implement re-*
 13 *gional projects in the Great Lakes Basin to be admin-*
 14 *istered by Director in accordance with this section.*

15 *“(b) IDENTIFICATION OF PROPOSALS AND REGIONAL*
 16 *PROJECTS.—*

17 *“(1) REQUEST BY THE DIRECTOR.—The Director*
 18 *shall annually request that State Directors and In-*
 19 *Indian Tribes, in cooperation or partnership with other*
 20 *interested entities and in accordance with subsection*
 21 *(a), submit proposals or regional projects for the res-*
 22 *toration of fish and wildlife resources.*

23 *“(2) REQUIREMENTS FOR PROPOSALS AND RE-*
 24 *REGIONAL PROJECTS.—A proposal or regional project*
 25 *under paragraph (1) shall be—*

1 “(A) submitted in the manner and form
2 prescribed by the Director; and

3 “(B) consistent with—

4 “(i) the goals of the Great Lakes Water
5 Quality Agreement, as amended;

6 “(ii) the 1954 Great Lakes Fisheries
7 Convention;

8 “(iii) the 1980 Joint Strategic Plan
9 for Management of Great Lakes Fisheries,
10 as revised in 1997, and Fish Community
11 Objectives for each Great Lake and con-
12 necting water as established under the Joint
13 Strategic Plan;

14 “(iv) the Nonindigenous Aquatic Nui-
15 sance Prevention and Control Act of 1990
16 (16 U.S.C. 4701 et seq.);

17 “(v) the North American Waterfowl
18 Management Plan and joint ventures estab-
19 lished under the plan; and

20 “(vi) the strategies outlined through the
21 Great Lakes Regional Collaboration author-
22 ized under Executive Order 13340 (69 Fed.
23 Reg. 29043; relating to the Great Lakes
24 Interagency Task Force).

1 “(3) *SEA LAMPREY AUTHORITY.*—*The Great*
 2 *Lakes Fishery Commission shall retain authority and*
 3 *responsibility to formulate and implement a com-*
 4 *prehensive program to eradicate or minimize sea lam-*
 5 *prey populations in the Great Lakes Basin.*

6 “(c) *REVIEW OF PROPOSALS.*—

7 “(1) *ESTABLISHMENT OF COMMITTEE.*—*There is*
 8 *established the Great Lakes Fish and Wildlife Res-*
 9 *toration Proposal Review Committee, which shall op-*
 10 *erate under the guidance of the United States Fish*
 11 *and Wildlife Service.*

12 “(2) *MEMBERSHIP AND APPOINTMENT.*—

13 “(A) *IN GENERAL.*—*The Committee shall*
 14 *consist of 2 representatives of each of the State*
 15 *Directors and Indian Tribes, of whom—*

16 “(i) *1 representative shall be the indi-*
 17 *vidual appointed by the State Director or*
 18 *Indian Tribe to the Council of Lake Com-*
 19 *mittees of the Great Lakes Fishery Commis-*
 20 *sion; and*

21 “(ii) *1 representative shall have exper-*
 22 *tise in wildlife management.*

23 “(B) *APPOINTMENTS.*—*Each representative*
 24 *shall serve at the pleasure of the appointing*
 25 *State Director or Tribal Chair.*

1 “(C) *OBSERVER.*—*The Great Lakes Coordi-*
 2 *nator of the United States Fish and Wildlife*
 3 *Service shall participate as an observer of the*
 4 *Committee.*

5 “(D) *RECUSAL.*—*A member of the Com-*
 6 *mittee shall recuse himself or herself from consid-*
 7 *eration of proposals that the member, or the enti-*
 8 *ty that the member represents, has submitted.*

9 “(3) *FUNCTIONS.*—*The Committee shall—*

10 “(A) *meet at least annually;*

11 “(B) *review proposals and regional projects*
 12 *developed in accordance with subsection (b) to*
 13 *assess the effectiveness and appropriateness of the*
 14 *proposals and regional projects in fulfilling the*
 15 *purposes of this title; and*

16 “(C) *recommend to the Director any of*
 17 *those proposals and regional projects that should*
 18 *be funded and implemented under this section.*

19 “(d) *IMPLEMENTATION OF PROPOSALS AND REGIONAL*
 20 *PROJECTS.*—

21 “(1) *IN GENERAL.*—*After considering rec-*
 22 *ommendations of the Committee and the goals speci-*
 23 *fied in section 1006, the Director shall—*

24 “(A) *select proposals and regional projects*
 25 *to be implemented; and*

1 “(B) subject to the availability of appro-
2 priations and subsection (e), fund implementa-
3 tion of the proposals and regional projects.

4 “(2) *SELECTION CRITERIA.*—In selecting and
5 funding proposals and regional projects, the Director
6 shall take into account the effectiveness and appro-
7 priateness of the proposals and regional projects in
8 fulfilling the purposes of other laws applicable to res-
9 toration of the fish and wildlife resources and habitat
10 of the Great Lakes Basin.

11 “(e) *COST SHARING.*—

12 “(1) *IN GENERAL.*—Except as provided in para-
13 graphs (2) and (4), not less than 25 percent of the
14 cost of implementing a proposal selected under sub-
15 section (d) (excluding the cost of establishing sea lam-
16 prey barriers) shall be paid in cash or in-kind con-
17 tributions by non-Federal sources.

18 “(2) *REGIONAL PROJECTS.*—Regional projects se-
19 lected under subsection (d) shall be exempt from cost
20 sharing if the Director determines that the authoriza-
21 tion for the project does not require a non-Federal
22 cost-share.

23 “(3) *EXCLUSION OF FEDERAL FUNDS FROM NON-*
24 *FEDERAL SHARE.*—The Director may not consider the
25 expenditure, directly or indirectly, of Federal funds

1 *received by any entity to be a contribution by a non-*
 2 *Federal source for purposes of this subsection.*

3 “(4) *EFFECT ON CERTAIN INDIAN TRIBES.—*
 4 *Nothing in this subsection affects an Indian tribe af-*
 5 *fects by an alternative applicable cost sharing re-*
 6 *quirement under the Indian Self-Determination and*
 7 *Education Assistance Act (25 U.S.C. 450 et seq.).”.*

8 **SEC. 5. GOALS OF UNITED STATES FISH AND WILDLIFE**
 9 **SERVICE PROGRAMS RELATED TO GREAT**
 10 **LAKES FISH AND WILDLIFE RESOURCES.**

11 *Section 1006 of the Great Lakes Fish and Wildlife Res-*
 12 *toration Act of 1990 (16 U.S.C. 941d) is amended by strik-*
 13 *ing paragraph (1) and inserting the following:*

14 “(1) *Restoring and maintaining self-sustaining*
 15 *fish and wildlife resources.”.*

16 **SEC. 6. ESTABLISHMENT OF OFFICES.**

17 *Section 1007 of the Great Lakes Fish and Wildlife Res-*
 18 *toration Act of 1990 (16 U.S.C. 941e) is amended—*

19 (1) *by striking subsection (a) and inserting the*
 20 *following:*

21 “(a) *GREAT LAKES COORDINATION OFFICE.—*

22 “(1) *IN GENERAL.—The Director shall establish*
 23 *a centrally located facility for the coordination of all*
 24 *United States Fish and Wildlife Service activities in*

1 *the Great Lakes Basin, to be known as the ‘Great*
 2 *Lakes Coordination Office’.*

3 “(2) *FUNCTIONAL RESPONSIBILITIES.—The func-*
 4 *tional responsibilities of the Great Lakes Coordina-*
 5 *tion Office shall include—*

6 “(A) *intra- and interagency coordination;*

7 “(B) *information distribution; and*

8 “(C) *public outreach.*

9 “(3) *REQUIREMENTS.—The Great Lakes Coordi-*
 10 *nation Office shall—*

11 “(A) *ensure that information acquired*
 12 *under this Act is made available to the public;*
 13 *and*

14 “(B) *report to the Director of Region 3,*
 15 *Great Lakes Big Rivers.”;*

16 (2) *in subsection (b)—*

17 (A) *in the first sentence, by striking “The*
 18 *Director” and inserting the following:*

19 “(1) *IN GENERAL.—The Director”;*.

20 (B) *in the second sentence, by striking “The*
 21 *office” and inserting the following:*

22 “(2) *NAME AND LOCATION.—The office”;* and

23 (C) *by adding at the end the following:*

24 “(3) *RESPONSIBILITIES.—The responsibilities of*
 25 *the Lower Great Lakes Fishery Resources Office shall*

1 *include operational activities of the United States*
2 *Fish and Wildlife Service related to fishery resource*
3 *protection, restoration, maintenance, and enhance-*
4 *ment in the Lower Great Lakes.”; and*

5 *(3) in subsection (c)—*

6 *(A) in the first sentence, by striking “The*
7 *Director” and inserting the following:*

8 *“(1) IN GENERAL.—The Director”;*

9 *(B) in the second sentence, by striking*
10 *“Each of the offices” and inserting the following:*

11 *“(2) NAME AND LOCATION.—Each of the offices”;*

12 *and*

13 *(C) by adding at the end the following:*

14 *“(3) RESPONSIBILITIES.—The responsibilities of*
15 *the Upper Great Lakes Fishery Resources Offices shall*
16 *include operational activities of the United States*
17 *Fish and Wildlife Service related to fishery resource*
18 *protection, restoration, maintenance, and enhance-*
19 *ment in the Upper Great Lakes.”.*

20 **SEC. 7. REPORTS.**

21 *Section 1008 of the Great Lakes Fish and Wildlife Res-*
22 *toration Act of 1990 (16 U.S.C. 941f) is amended to read*
23 *as follows:*

1 **“SEC. 1008. REPORTS.**

2 “(a) *IN GENERAL.*—Not later than December 31, 2011,
3 *the Director shall submit to the Committee on Resources*
4 *of the House of Representatives and the Committee on Envi-*
5 *ronment and Public Works of the Senate a report that de-*
6 *scribes—*

7 “(1) *actions taken to solicit and review proposals*
8 *under section 1005;*

9 “(2) *the results of proposals implemented under*
10 *section 1005; and*

11 “(3) *progress toward the accomplishment of the*
12 *goals specified in section 1006.*

13 “(b) *PUBLIC ACCESS TO DATA.*—For each of fiscal
14 *years 2007 through 2012, the Director shall make available*
15 *through a public access website of the Department informa-*
16 *tion that describes—*

17 “(1) *actions taken to solicit and review proposals*
18 *under section 1005;*

19 “(2) *the results of proposals implemented under*
20 *section 1005;*

21 “(3) *progress toward the accomplishment of the*
22 *goals specified in section 1006;*

23 “(4) *the priorities proposed for funding in the*
24 *annual budget process under this title; and*

25 “(5) *actions taken in support of the rec-*
26 *ommendations of the Great Lakes Regional Collabora-*

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 *Section 1009 of the Great Lakes Fish and Wildlife Res-*
3 *toration Act of 1990 (16 U.S.C. 941g) is amended to read*
4 *as follows:*

5 **“SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.**

6 *“There are authorized to be appropriated to the Direc-*
7 *tor for each of fiscal years 2007 through 2012—*

8 *“(1) \$14,000,000 to implement fish and wildlife*
9 *restoration proposals as selected by the Director under*
10 *section 1005(e), of which—*

11 *“(A) not more than the lesser of 33 1/3 per-*
12 *cent or \$4,600,000 may be allocated to imple-*
13 *ment regional projects by the United States Fish*
14 *and Wildlife Service, as selected by the Director*
15 *under section 1005(e); and*

16 *“(B) the lesser of 5 percent or \$700,000*
17 *shall be allocated to the United States Fish and*
18 *Wildlife Service to cover costs incurred in ad-*
19 *ministering the proposals by any entity; and*

20 *“(2) \$2,000,000, which shall be allocated for*
21 *the activities of the Great Lakes Coordination*
22 *Office in East Lansing, Michigan, of the Upper*
23 *Great Lakes Fishery Resources Office, and the*

- 1 *Lower Great Lakes Fishery Resources Office*
- 2 *under section 1007.”.*

Attest:

Clerk.

109TH CONGRESS
2^D SESSION

S. 2430

AMENDMENT